



01-08-07

IFW

Reply

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Carol Mary Rines et al

Serial No. 09/039,176

Group Art: 9263

Filed: March 13, 1998

Examiner: Davis, David Donald

For: METHOD OF AND APPARATUS FOR EXPANDING FUNCTIONALITY OF VEHICLE CASSETTE TAPE-PLAYER DECKS TO PERMIT DICTATION OR OTHER RECORDING AND AUTOMATIC REMOTE STATION RELAYING OF THE SAME

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication is in reply to the Office replacement or substitute final communication of December 18, 2006.

The 35 U.S.C. 112 rejection

In the present replacement final rejection, which the Examiner states was necessitated by "the newly discovered reference(s) to Glotzbach (US 4,677,429)", the Examiner now resurrects and reasserts *verbatim* the very same earlier 35 U.S.C. 112 (first paragraph) rejection of claims 23, 25, 28, 30-33, 35-38 and 41-45 as containing

"subject matter not described in the specification to a skilled artisan at the time the application was filed".

This is, however, the identical grounds that, in the advisory action of May 9, 2006 the Examiner specifically *withdrew* as "overcome" by "applicants reply"(on pages 12 and 13 of the remarks of the amendment of April 17, 2006!).

The new 35 U.S.C. 103 (a) Rejection

As for the 35 U.S.C. §103 (a) rejection of claims 16-20, 23, 25, 27, 28, 30-33 and 35-46 in the "replacement" final rejection herein, the Examiner now postures these claims as

"being unpatentable over Glotzbach (US 4, 677, 429) in view of Dubus (US 4, 731, 811)".

In this, the Examiner calls attention to the newly cited Glotzbach "paragraph bridging column 2 and 3", referring to a Nojiri et al Japanese publication reference, also identified as US patent 4,503,528.

This Nojiri reference, the Examiner states, discloses

"a driver operated vehicle provided with a steering wheel region in a diversionless manner with full attention to driving separate control switches for turning each of the *entertainment components* on and off."

The Examiner correctly states that his earlier relied on reference to "Ishikawa et al" (which perhaps he intended also to include in this rejection), "is silent, however, as to a voice controlled switching mechanism programmed, with and responsive to a plurality of pre-designated separate voice commands for operation of a *cellular radio telephone*".

As for the use of a plurality of voice commands in connection with the operation of a *cellular radio telephone*, however, the Examiner states that this is disclosed in Dubus, concluding that

"one of ordinary skill in the art at the time the invention was made would have been motivated to provide a cellular radio telephone in a steering wheel with a voice controlled mechanism to provide a hands-free telephone system".

The Description of the Nojiri Concept
In the Glotzbach Patent

The Examiner is quite correct that the newly cited Glotzbach patent is concerned with applicant's problem of achieving substantially diversionless driver applicant's operation of an entertainment deck while driving.

The Examiner is also correct that the Nojiri et al Japanese publication and its US patent counterpart 4, 503, 528 does disclose a particular way of trying to achieve this result through what the Examiner describes as "separate control switches for turning each of the entertainment components on and off".

But this particular way involves a very different structure and operation from applicants' claimed invention.

In Nojiri et al, a microcomputer prompts the driver by sequential vocal sound synthesized word announcements, "indicative of the names" of the devices that may possibly be controlled, so that the vehicle operator may signal back "YES" or "NO" by a "pushbutton switch 2 attached to the center of the steering wheel 1 of a motor vehicle". If the driver's pushbutton response indicates "YES", the microcomputer

then provides an instruction signal to a control unit of the appropriate device to turn its power on or off or make a volume adjustment or the like.

In applicants' invention, as claimed herein, however, there is no such intervening microprocessor operation required; no synthesized voice announcement of names for selection; and no requirement for detracting the driver to push a button switch to select and instruct the microprocessor to thereupon send an operational signal instruction to the control unit of the appropriate device.

To the contrary, in applicants' very different concept, the driver, *on his own initiative*, and at his own time selection, merely uses *his own voice* in real time to command a particular device in the entertainment deck to turn on or off. By equipping each separate device with its own voice-command-response operational control switch, it is the *driver* who, at a time of his own choosing, directly speaks live such separate voice command words, and the voice-controlled switch is "responsive to the driver selectively speaking such predesignated separate commands live at said steering wheel region for thereupon effecting the individual activating of the corresponding control switch" (claim 23, for example, with similar limitations in all the other claims).

For whatever may be disclosed in Glotzbach or Nojiri, it certainly does not anticipate or even hint at applicants' different approach and advantages, nor read upon the specific structure of the claims.

Should the Examiner persist in this unwarranted rejection, once again applicants would respectfully request that the Office read exemplary claim 23, for example, element for element on the reference, in order that applicants may intelligently appeal. No such reading, indeed, is believed to be possible.

Dubus and Ishikawa et al

The Office concedes that "Ishikawa et al is silent", as to any voice-controlled switching mechanisms programmed with and responsive to a plurality of pre-designated separate voice commands"; but now relies on Dubus for "a plurality of pre-designated separate voice commands at least for operation of *a cellular radio telephone* 12. See column 4 lines 56 through column 5, line 15." (emphasis added). -- The Office now appreciates that Dubus lacks any such alleged teaching for the operation of *entertainment deck* components.

No claim presently in this application, however, is directed to voice-command operation of a cellular radio telephone alone -- but only in combination with applicants' type of entertainment deck voice-controlled operation.

In the disclosure of Dubus at the column 4, line 54 through column 5, line 15, passage reference, moreover, the only voice words described are for specifically testing the radio telephone "integration" routine, and absolutely nothing more. There isn't even the slightest hint, let alone disclosure, of live driver words being spoken for switching the car radio on and off as in applicants' concepts.

Applicants' Present Claims

Applicants' claims fall broadly into two groups.

Group One - Claims 23, 25, 28, 30, 31, 33, 38, 16, 17, 18, 19 and 20; and

Group Two - Claims 35, 36, 37, 39, 40, 41, 42, 43, 44, 45 and 46.

Group One

The claims of Group One, of which previously discussed claim 23 may be considered exemplary, embrace applicants' type of driver live voice-command operation of a vehicle entertainment deck -- in this case, a two-component deck -- (1) a pre-recorded storage-medium component and (2) a dictation recorder component -- and also of a vehicle cellular radio telephone. Applicants provide and claim a separate predesignated live voice command for enabling the voice-controlled switching operation in the vehicle of the entertainment deck storage medium player component, and a separate live voice command for the voice-controlled switching operation of the dictation recorder component. Still a separate voice command is provided for live voice activating of the cellular radio telephone.

This is certainly not at all what is found in Dubus column 4, line 56 through column 5, line 15 as above discussed!

The Dubus disclosure cannot even read on the specific limitations of claim 23, above quoted, as to applicants' concept of operating a plurality of entertainment deck components, (claims 28, 25, 30, 31, 33 and 38) each by its own separate live voice

command, and apart from the different live voice command operation of the cellular radio telephone.

Dependent claims 16-20 contain all the same limitations, incorporating also added novel features as cooperating with and in the novel total claimed combination -- claims 17 and 18 reciting respectively automatic switching of the player a predetermined time after dictation, and after a predetermined number of dictation recordings.

Group Two

The claims of Group Two contain all the same novel and distinguishing limitations of the claims of Group One, and additionally call for applicants' novel further relaying of the entertainment deck component outputs over the cellular radio telephone -- claim 40, for example, reciting relaying the dictation recorder playback over the cell phone; claim 43, relaying the disc player content; claim 45, relaying the AM/FM received radio transmissions -- all totally outside the scope of the references, individually or combined. The Office certainly has made no attempt to show where these actual claim limitations are actually found in Ishikawa et al or Dubus or now in Glotzbach or Nojiri or in any combination thereof -- just a blanket rejection.

The above, it is submitted, however, demonstrates that all of applicants' claims are clearly allowable, and reconsideration and allowance are therefore respectfully requested.

All costs incurred herein, including for any required time extension(s) in the application, petition for which is hereby made, and all other costs incurred herein, may be charged to the Deposit Account No. 18-1425 of the undersigned attorneys.

Respectfully submitted,

RINES AND RINES

By: 
Robert H. Rines
Registration No. 15,932

Date: January 4, 2007
RINES AND RINES
81 North State Street
Concord, NH 03301
Tel: (603) 228-0121